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August 8, 2007

Hon. Laura Taylor Swain, U.S.D.J.  
United States District Court  
500 Pearl Street, Room 755  
New York, NY 10007

Re: Caremark, Inc., v. United Health Care, et al.  
Docket No. 07 Civ 5941 (LTS)

# MEMO ENDORSED

Dear Judge Swain:

We represent the plaintiff in this action. We apologize for the lateness of the reply papers. I did request the consent of the defendants to allow me to file late but they refused. The papers are being electronically filed today.

Shortly after we served the papers on this motion to remand I had a fall and landed in the hospital and my entire calendar had to be postponed to the week of July 29<sup>th</sup>. My eyes suffered as if I had been in a fight and I was unable to carry on all the activities of my office.

While this is no excuse for the lateness of these reply papers, my office was set back for a few days. Even now the right side of my face is blackened below the eye. My diary shows that I missed 4 days and everything had to be postponed. These 4 days that I more or less missed are the days I needed for extension although my adversary has refused to accommodate me.

I therefore request that although the papers are late the Court will accept them on this motion.

Thank you very kindly.

Very truly yours,

*A. Wax*  
Abraham Wax

cc: John T. Seybert, Esq.  
Sedgwick, Detert, Moran & Arnold, LLP

Copies mailed faxed counsel of record  
Chambers of Judge Swain

8/14/07

The Court accepts Plaintiff's late filing. No later than August 31, 2007, the parties shall submit any and all evidence ONLY on the issue of whether diversity of citizenship exists.

8-13-07

SO ORDERED, N.Y., N.Y.

*Kimberly Wood*  
KIMBERLY WOOD  
U.S.D.J.

PART I